

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

FILE
NOV 01 2024

CLERK'S OFFICE
DETROIT

DERRICK LEE CARDELLO-SMITH,
Plaintiff,

Vs

SEAN COMBS,
Defendant,

Case No 2:24-16247
Honorable Judith Levy

PLAINTIFFS FACTUAL PROOF THAT THE DEFENDANTS
LIED ABOUT PLAINTIFFS MANNER OF SERVICE IN
THE TRIAL COURT TO GET THE CASE TRANSFERRED TO
THE DISTRICT COURT TO OBSTRUCT JUSTICE AND
MISLEAD THIS COURT INTO MOTION TO DISMISS ARGUMENT

Now comes the Plaintiff and provides to this Court the Proof that Defendants Attorney's Lied about Trial Court service being September 9, 2024 to begin their 30 days and to get it to this court when it was in fact served properly on July 6, 2024 and rendering the time frame for them to file by as August 9, 2024 and therefore, their removal to the Federal court is clearly late and untimely and the Court should grant the Plaintiffs Motion to Remand--

1. the Defendants said that MCR 2.105 A(2) requires the Plaintiff to use Restricted Delivery--However, it only is required if I choose to use MCR 2.105 A(2).. I rightfully chose to use MCR 2.105 (B)(1)(b) which allows Certified Mail and Return Receipt Only, NOT RESTRICTED DELIVERY--It says MAY CHOOSE and I CHOOSE THAT ONE..

So, the Defendant was rightfully served on July 6, 2024 and that means that the defendants October 7, 2024 and October 8, 2024 Notice of Removal is untimely and late and cannot be allowed to stand and they have therefore lied to this Court...It is very simple. I have attached MCR 2.105 to show my claim.

I therefore I ask this Court to REMAND THE CASE BACK TO THE TRIAL COURT.

RELIEF SOUGHT

Wherefore, Grant the Plaintiffs Statement and proof the Defendants Lied and Remand this Case back to the Trial court.

thank you.


Derrick Lee Cardello-Smith

#267009

E.C. Brooks Correctional Facility
2500 S. Sheridan Drive
Muskegon, MI 49444

Proof # 1

MCR 2.105

State rules current with changes received through September 30, 2024

MI - Michigan Court Rules > Michigan Court Rules of 1985 > Chapter 2. Civil Procedure > Subchapter 2.100. Commencement of Action; Service of Process; Pleadings; Motions

Rule 2.105. Process; Manner of Service.

(A) Individuals. Process may be served on a resident or nonresident individual by,

- (1) delivering a summons and a copy of the complaint to the defendant personally; or
- (2) sending a summons and a copy of the complaint by registered or certified mail, return receipt requested, and delivery restricted to the addressee. Service is made when the defendant acknowledges receipt of the mail. A copy of the return receipt signed by the defendant must be attached to proof showing service under subrule (A)(2).

(B) Individuals; Substituted Service. Service of process may be made

(1) on a nonresident individual, by

(a) serving a summons and a copy of the complaint in Michigan on an agent, employee, representative, sales representative, or servant of the defendant, and

(b) sending a summons and a copy of the complaint by registered mail addressed to the defendant at his or her last known address;

(2) on a minor, by serving a summons and a copy of the complaint on a person having care and control of the minor and with whom he or she resides;

(3) on a defendant for whom a guardian or conservator has been appointed and is acting, by serving a summons and a copy of the complaint on the guardian or conservator;

(4) on an individual doing business under an assumed name, by

(a) serving a summons and copy of the complaint on the person in charge of an office or business establishment of the individual, and

(b) sending a summons and a copy of the complaint by registered mail addressed to the individual at his or her usual residence or last known address.

(C) Partnerships; Limited Partnerships. Service of process on a partnership or limited partnership may be made by

(1) serving a summons and a copy of the complaint on any general partner or agent for service of process; or

(2) serving a summons and a copy of the complaint on the person in charge of a partnership office or business establishment and sending a summons and a copy of the complaint by registered mail, addressed to a general partner or agent for service of process at his or her usual residence or last known address.

(D) Private Corporations, Domestic and Foreign. Service of process on a domestic or foreign corporation may be made by

(1) serving a summons and a copy of the complaint on an officer or the resident agent;

Derrick Lee Cardello-Smith
#267009
E.C. Brooks Correctional Facility
2500 S. Sheridan Drive
Muskegon, MI 49444

October 28, 2024

Clerk of the Court
United States District Court
Theodore Levin U.S. Courthouse
231 W. Lafayette Blvd
Detroit, MI 48226

Re: Derrick Lee Cardello-Smith v. Sean Combs
Case No 2:24-cv-16247

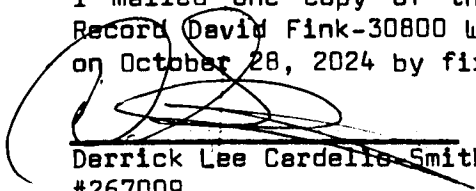
Dear Clerk:

Enclosed for filing are pared that I am asking are placed on the Court docket.

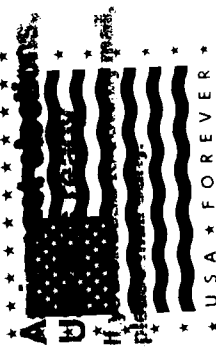
Thank you.

PROOF OF SERVICE

I mailed one copy of these same pleadings to the Defendants Attorney of Record David Fink-30800 Woodward Avenue-Suite 350-Bloomfield Hills, MI 48304 on October 28, 2024 by first class mail in Muskegon, MI 49444.



Derrick Lee Cardello-Smith
#267009



AND RAPIDS MI 493
28 OCT 2024 PM 1 L

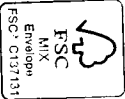
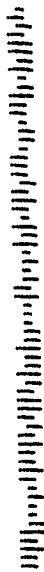
NAME: [REDACTED]
Number: [REDACTED]
Address: Mr. Derrick Lee Gerdelle-Smith
#2670009

E.C. Brooks Correctional Facility
2500 S. Sheridan Drive
Muskegon, MI 49444

Mailed 10-28-24
Case # 24-16217

Office of the Clerk
United States District Court
Theodore Levin United States Courthouse
231 W. Lafayette Blvd
Detroit, MI 48226

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